

ZONING BOARD MEMBERS
JAMES F. McGRAIL, CHAIRMAN
J. GREGORY JACOBSEN, VICE CHAIRMAN
SCOTT M. STEEVES
E. PATRICK MAGUIRE, LEED AP
JASON L. MAMMONE, P.E.

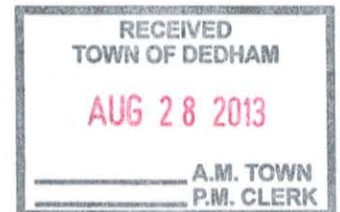
ASSOCIATE MEMBERS
JESSICA L. PORTER



DEDHAM TOWN HALL
26 BRYANT STREET
DEDHAM, MA 02026
PHONE 781-751-9242
FAX 781-751-9225

ADMINISTRATIVE ASSISTANT
SUSAN WEBSTER,
swebster@dedham-ma.gov

TOWN OF DEDHAM
ZONING BOARD OF APPEALS
DECISION



APPLICANT:	Edward G. Sweeney
PROJECT ADDRESS:	84 Mount Hope Street, Dedham, MA
CASE #	VAR-06-13-1690
PROPERTY OWNER/ADDRESS:	Edward G. Sweeney et al, Mary T. Woods, JT, 84 Mount Hope Street, Dedham, MA
MAP/LOT AND ZONING DISTRICT:	79/26, Single Residence B
DATE OF APPLICATION:	June 4, 2013
MEMBERS PRESENT AND VOTING:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jessica L. Porter
PETITION:	To be allowed a variance for a 12 foot rear yard setback instead of the required 25 feet to construct a second floor on an existing addition
SECTION OF ZONING BYLAW:	<i>Section 4.1, Table of Dimensional Requirements</i>
REPRESENTATIVE:	Edward G. Sweeney
DATE FILED WITH TOWN CLERK:	AUGUST 28, 2013

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, August 14, 2013, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, James F. McGrail, Esq., Chairman, J. Gregory Jacobsen, Vice Chairman, Scott M. Steeves, and Jason L. Mammone, P.E. In the absence of Member E. Patrick Maguire, the Chair appointed Associate Member Jessica L. Porter to sit in his stead. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11.

At 7:04 p.m., the Chairman called for the hearing on the petition of Edward G. Sweeney, 84 Mount Hope Street, Dedham, MA. The Applicant seeks to be allowed a variance for a twelve foot rear yard setback to construct a second floor on an existing addition at 84 Mount Hope Street, Dedham, MA.

The minutes from the hearing are the primary source of evidence and are incorporated herein by reference.

The subject property is known and numbered as 84 Mount Hope Street, Dedham, MA and is shown on Dedham Assessors' Map 79, Lot 26. The certified plot plan indicates that the Subject Property contains 6,920 square feet of land and has 59.27 feet of frontage. According to the Dedham Zoning Map, the Subject Property is located in the Single Residence B zoning district. Currently, the property is occupied by a single family dwelling. According to the records maintained by the Dedham Board of Assessors, the dwelling was constructed in 1900.

The Applicant proposes to construct a second floor on an existing addition. This floor would contain a closet and a sunroom. In order to do this, he needs a 12 foot rear yard setback instead of the required 25 feet. The plans, documents, studies, etc. referred to are incorporated as part of the public record and are on file in the Planning and Zoning office. He presented a signed petition of neighbors who support his application:

<u>Name</u>	<u>Address</u>
Maureen R. Smith	75 Mount Hope Street
Ann Kearney	83 Mount Hope Street
Kathleen Peebles	85 Mount Hope Street
Peter Mah	88 Mount Hope Street
Barbara Neilson	74 Mount Hope Street
Anthony F. Palermo	85 Mount Hope Street
George Neilson, Jr.	74 Mount Hope Street
Joyce Neilson	74 Mount Hope Street
Karen Power	59 Mount Hope Street

No one appeared before the board to oppose the petition.

On a motion made by Scott M. Steeves and seconded by J. Gregory Jacobsen, the Zoning Board of Appeals voted unanimously (5-0) to allow a 12 foot rear yard setback instead of the required 25 feet for construction of a second floor on an existing addition at 84 Mount Hope Street, Dedham, MA.

The Board was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that the Applicant would incur a hardship if the variance was not granted. There is no detriment to the public good or derogation in the intent of purpose of the bylaw. In granting of said special permits, the ZBA finds that, after consideration of the criteria Dedham Zoning By-Law, the adverse effects of the Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood and will not be substantially more detrimental to the neighborhood.

The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County. Applicant is further advised that no waivers/variance will be issued by the Building Department until evidence

is presented that this decision has been recorded in the Norfolk County Registry of Deeds. The Applicant should furnish the Zoning Board of Appeals with a receipt from the Registry of Deeds indicating that the decision has been filed.

Dated: August 14, 2013

Attest, by the Zoning Board of Appeals:

James F. McGrail
James F. McGrail, Esq., Chairman

J. Gregory Jacobsen
J. Gregory Jacobsen, Vice Chairman

Scott M. Steeves
Scott M. Steeves

Jason L. Mammone
Jason L. Mammone, P.E.

Jessica L. Porter
Jessica L. Porter

Attest, by the Administrative Assistant:

Susan N. Webster
Susan N. Webster

Copies of this decision are filed in the Dedham Town Clerk's office. Copies of all plans referred to in this decision and a detailed record of the Zoning Board of Appeals proceedings are filed in the Dedham Planning Department.

Materials Submitted:

- Zoning Board of Appeals application
- Plan of land dated November 6, 1917
- Photographs of existing conditions
- Rendering of proposed addition
- Town of Dedham GIS map